

Plaintiff's Name CARROLL, TREMAYNEInmate No. WB1153Address 1508CHOWCHILLA, CA 93610**FILED**

JUL 28 2022

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

BY CL DEPUTY CLERK

FOR THE EASTERN DISTRICT OF CALIFORNIA

172-cv-363 AWI

BAM
(PC)

(Name of Plaintiff)

(Case Number)

vs.

AMENDED CIVIL RIGHTS COMPLAINT UNDER:

 42 U.S.C. 1983 (State Prisoner) Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)CDCR, ET AL, WARDEN
PARRALES, B-FACILITY AW/
CPT/LT.S /SGT'S, J. HAYNES,
VILLANUEVA, JANET/JOHN
JOE(S) 1-50**RECEIVED**

JUL 28 2022

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

A. Have you brought any other lawsuits while a prisoner? Yes No B. If your answer to A is yes, how many? UNKNOWN

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff CARROLL, TREMAYNEDefendants CDCR GREEN WALL MEMBERS, STAFFCLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY CL DEPUTY CLERK

2. Court (if Federal Court, give name of District; if State Court, give name of County)

UNKNOWN OTHER THAN DISTRICT COURT3. Docket Number 3:20-cv-00079-BAS-RBM4. Assigned Judge BAS, RBM

5. Disposition (Was the case dismissed?Appealed? Is it still pending?)

SETTLEMENT AGREED NOT YET PAID

II. Exhaustion of Administrative Remedies

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes No _____

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes No _____

C. Is the process completed?

Yes

If your answer is yes, briefly explain what happened at each level.

NOTHING HAPPENED AT EITHER LEVEL ON EITHER GRIEVANCE. THE GRIEVANCE SYSTEM IS A "SHAM" AND ACTUALLY ANOTHER GREEN WALL "COVER-UP" UNIT IN PLACE TO DISCOURAGE, RETALIATE, INTIMIDATE AND CIRCUMVENT DUE PROCESS RIGHTS TO REMEDY OR COUNT

No _____

If your answer is no, explain why not.

III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name PARNELL is employed as WARDEN

Current Address/Place of Employment P.O. BOX 1508 /CCWF, CHOWCHILLA, CA

B. Name J. HAYNES is employed as CORRECTIONAL OFFICER

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

C. Name VILLANUEVA is employed as CORRECTIONAL OFFICER

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

D. Name PADILLA is employed as CAPTAIN

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

E. Name JANE/JOHN DOE(S) 1-50 is employed as C/O, SGT, LT, AW, OFFICER

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

CRUEL & UNUSUAL PUNISHMENT, RECKLESS ENDANGERMENT, DELIBERATE INDIFFERENCE, FAILURE TO PROTECT, HATE CRIMES (LGBTQ)

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 1.):

ON 12/05/21, IN BUILDING 505 DAYROOM AT CCWF, 'P JANE DOE PUNCHED PLAINTIFF IN FACE AND THREW HOT COFFEE IN HER FACE, ALL OF WHICH WAS CAPTURED ON AVSS AND OBSERVED BY FLOOR STAFF 'O VILLANUEVA AND PARTNER(S) JANE/JOHN DOE(S). NEITHER STAFF DID ANYTHING. RATHER THAN 'P JANE DOE RECEIVING PVR AND REFERRAL TO LOCAL DA FOR PROSECUTION FOR HATE CRIME

SHE WAS REWARDED. CLO VILLANUEVA AND PARTNERS FAILED TO PROTECT PLAINTIFF AT TIME OF ATTACK AND FROM FUTURE ATTACKS BY NOT PLACING 'IP JANE DOE IN AD-SEG NOR PLACING SEPARATION CHRONO IN PLACE TO PREVENT FUTURE ATTACKS. CCWF WARDEN, B-FACILITY AW, CPT, LT'S AND SGT'S FAILED TO SUPERVISE AND WILL BE NAMED (CURRENTLY JANE/JOHN DOES) UPON DISCOVERY DETAILING WHO WAS AT WORK ON 12/03/21. 'IP JANE DOE WAS ENCOURAGED TO ASSAULT PLAINTIFF BASED ON PLAINTIFFS LGBTQ/SB132 STATUS AND ROLES IN CARROLL V. TOOLE AND ARMSTRONG V. NEWSON.

Claim 2: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

CRUEL & UNUSUAL PUNISHMENT, RECKLESS ENDANGERMENT, DELIBERATE INDIFFERENCE, FAILURE TO PROTECT, FAILURE TO SUPERVISE.

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 2.):

ON OR AROUND 12/03/22, THE SAME 'IP JANE DOE IN CLAIM #1 VIOLENTLY ASSAULTED PLAINTIFF, PULLING HER OUT OF WHEELCHAIR AND PUNCHING HER OVER (10) TIMES IN THE FACE AND HEAD, ALL CAPTURED ON AVSS; YET UNOBSERVED BY AT LEAST (10) JANE/JOHN DOES ASSIGNED WITH MONITORING YARD MOVEMENT DURING BREAKFAST, INCLUDING CLO VILLANUEVA AND PARTNERS IN SOS. CCWF WARDEN, B-FACILITY AW, CPT, LT'S, SGT'S FAILED TO SUPERVISE AND FAILED TO PROTECT PLAINTIFF FROM 'IP JANE DOE. EACH KNEW OR SHOULDVE KNOWN SHE WOULD ATTACK PLAINTIFF AGAIN AFTER GETTING AWAY WITH

IT THE FIRST TIME. 'P JANE DOE WAS AGAIN REWARDED RATHER THAN GIVEN AN RVR OR BEING PROSECUTED OR PLACED IN AD-SEG.

ON 03/03/22, THE SAME 'P JANE DOE IN CLAIMS #1+#2 AGAIN ASSAULTED PLAINTIFF, WHICH WAS CAPTURED ON AVSS; YET UNOBSERVED BY AT LEAST (10) JANE/JOHN DOE(S) ASSIGNED WITH MONITORING MOVEMENT TO/FROM BREAKFAST - CCWF WARDEN, MW, CPT; LT'S, SGT'S (PLEASE SEE ATTACHED)

V. Relief

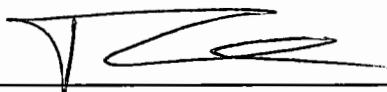
State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PLAINTIFF SEEKS APPOINTMENT OF COUNSEL TO BALANCE SCALES OF JUSTICE AND WANTS COURT TO ORDER JURY TRIAL, WHICH EACH ~~DEFENDANT~~ PLAINTIFF FACING MONETARY LIABILITY IN THEIR OFFICIAL AND INDIVIDUAL CAPACITY(S) IN THE AMOUNT(S) FOUND FIT BY JURY. ORDER DISCOVERY SO PLAINTIFF CAN NAME JANE/JOHN DOE(S) - SO

I declare under penalty of perjury that the foregoing is true and correct.

Date: 07/21/22

Signature of Plaintiff:



(ATTACHED)

FAILED TO PROTECT PLAINTIFF FROM
1/P JANE DOE. EACH KNEW OR SHOULDVE
KNOWN 1/P JANE DOE WOULD AGAIN ATTACK
PLAINTIFF AFTER GETTING AWAY WITH
IT TWICE BEFORE.

CLAIM #3

ON 07/02/22, C/O J. HAYNES VIOLATED CDOC
POLICY BY ENTERING SOS-23 TO AVOID AVSS
DETECTION AND PHYSICALLY ASSAULTED
PLAINTIFF AND PLAINTIFF'S ROOM 1/P PENNEWELL,
AILEKA. OFFICER HAYNES MADE HOMOPHOBIC
AND RACIST COMMENT WHEN STATING
BEFORE SLAPPING PLAINTIFF, "I'M TIRED
OF YOUR PUNK ASS AND THIS BLACK BITCH".
C/O PINEDA OBSERVED OFFICER HAYNES
PHYSICAL ATTACK ON 1/P PENNEWELL AND
REPEATEDLY YELLED, "STOP HAYNES, SHE'S
RESPONDING". THERE ARE HUNDREDS IF
NOT THOUSANDS OF SIMILAR COMPLAINTS
ON RECORD AGAINST C/O HAYNES, WHO'S GONE
UNPUNISHED. C/O HAYNES SHOULD BE PROSECUTED
FOR HATE CRIMES. C/CWF WAIDEN, B-FACILITY
AW, CPT, LT'S, SGT'S FAILED TO PROTECT
PLAINTIFF FROM C/O HAYNES AND EACH
KNEW OR SHOULDVE KNOWN C/O HAYNES
WOULD CONTINUE UNLAWFUL BEHAVIOR BASED
ON A RECORD OF UNLAWFUL BEHAVIOR.
ACCORDING TO 1/P JANE DOE IN CLAIMS #1, 2, 3,
C/O HAYNES IS THE ONE WHO EMPLOYED
HER TO ATTACK PLAINTIFF AND SHIELDED HER.